

PROB 12A  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**  
**Report on Offender Under Supervision**

Name of Offender: Marie Clayton

Cr.: 06-00638-001

Name of Sentencing Judicial Officer: Honorable Jose L. Linares  
United States District Judge

Date of Original Sentence: 06/27/07

Original Offense: Embezzlement of Labor Union Funds

Original Sentence: Probation - 3 years; Restitution - \$42,569.19; Special Assessment - \$100; Special Conditions - Six Months Home Confinement; Financial Disclosure; No New Debt; Mental Health Treatment; DNA Testing

Type of Supervision: Probation

Date Supervision Commenced: 06/27/07

The above-referenced individual was sentenced by Your Honor on June 27, 2007, for the offense of Embezzlement of Labor Union Funds. The offender was sentenced to a three year term of probation, which included six months of home confinement, restitution of \$42,569.19, and a \$100 special assessment.

Ms. Clayton has been compliant with the conditions of her probation, and she has maintained a positive adjustment throughout the period of supervision. Ms. Clayton has maintained employment at Shop N Bag in Little Egg Harbor, New Jersey, since prior to the commencement of her term of probation.

Ms. Clayton has satisfied her special assessment in full. Ms Clayton has made good faith restitution payments, but has incurred serious financial difficulties during her term of probation. Additionally, she has battled with depression and medical issues. Throughout her term, Ms. Clayton has struggled with housing. She has lived on the couch at her daughter's home, rented a room in a rooming house type situation, and now currently lives in a small room attached to her son's trailer. The undersigned writer has observed her living arrangements and they are substandard. Despite this, she has maintained her employment. Home inspections have revealed that the offender does not appear to be living above her means. In March 2010, the offender was involved in an automobile accident and totaled her vehicle. She does not have the funds to purchase a car at this time. A Personal Financial Statement was recently completed by the offender and revealed that she has approximately a \$200 monthly cash flow. This appears to be related to the recent loss of her vehicle, as she is no longer paying auto insurance and related expenses. According to the Clerk's Office, Ms. Clayton has paid \$4,230 toward her restitution to date, and the balance as of this writing is \$38,339.19.

We are informing you that the offender does not have the ability to satisfy the restitution obligation in full prior to the expiration of supervision on June 26, 2010. Ms. Clayton's outstanding restitution balance is not as a result of a willful failure to pay, but rather an inability to pay.

Given the circumstances in this case, we respectfully request that Ms. Clayton's probation be allowed to expire as scheduled with the restitution balance remaining. Furthermore, we have notified the Financial Litigation Unit of the U.S. Attorney's Office, and they will continue with the collection of the restitution following Ms. Clayton's expiration of supervision. Finally, we have advised Assistant U.S. Attorney V. Grady O'Malley of our plan and are awaiting the Government's response.